

GOVERNMENT OF TELANGANA
ABSTRACT

Tribal Welfare Department - Revision Petition filed by Sri Badavath Venkataram S/o Balya R/o Chendrugonda (V) Nekkonda (M) Warangal District now residing at Rajupet Village, Narsampet Mandal, Warangal District and other against the orders of Additional Agent to Govt., Eturunagaram, Warangal District in case no LTR /Appeal/7/05 dt 28.02.2006 - Rejected - Orders - Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No.6

Dated:11-01-2019,
Read the following:-

- 1) Orders of the Additional Agent to Govt. and PO, ITDA, Eturunagaram, Warangal District in case\ no LTR /Appeal/7/05 dt 28.02.2006.
- 2) Revision Petition filed by Revision Petition filed Sri Badavath Venkata Ram S/o Balya R/o Chendu gonda (V) Nekkonda (M) Warangal District and other Dt:17.04.2006.
- 3) Govt.Memo.No .4193/LTR.2/2006, dt 22.06.2006.
- 4) From the Additional Agent to Govt., Eturunagaram, Warangal District Lr.No .1704/M(SW)2006, dt 25.04.2006
- 5) Govt.Memo & Letter.No.4193/LTR-2/2006, dt:,12.09.2008 , 22.06.2009, 03.05.2010.
- 6) Govt.Lr.No.4193/TW.LTR.2/2006, Dt:15.06.2017, 29.08.2017, 09.02.2018, 19.04.2018 & 06.06.2018.
- 7) Written arguments filed by the Petitioners dated 12.7.2018.

-0o0-

ORDER

In the reference 2nd read above, Sri Badavath Venkataram S/o Balya R/o Chendrugonda (V) Nekkonda (M) Warangal District, now residing at Rajupet Village, Narsampet Mandal, Warangal District & other have filed Revision Petition through theircounsel before the Government aggrieved by the orders of the Additional Agent to Government, Eturunagaram, Warangal District in case no LTR /Appeal/7/05 dt 28.02.2006 in respect of land in Sy.No.11/A admeasuring Ac 3.18 gts situated at Rajupet Village, Narsampet Mandal, Warangal District.

2. In the reference 3rd read above, Government has granted Stay and the Collector, Warangal and the Project Officer, ITDA, Eturunagaram & Additional Agent to Government, Warangal District were requested to furnish Para Wise Remarks and connected case records and in the reference 4th read above the Additional Agent to Government, Eturunagaram, Warangal District has furnished Para Wise Remarks and connected case records.

3. The Main grounds of the Revision Petition are as follows:

- The orders passed by the both the Courts below are bad in law and contrary to the material on record.
- The order passed by the Lower Appellate Court is liable to be set aside on the ground of violation of principles of natural justice as no reasons were assigned in dismissing the Appeal.
- The Lower Appellate Court failed to appreciate the grounds raised in the Appeal. The Lower Appellate Court did not decide the case on its merits and no reasons of whatsoever nature were assigned in dismissing the Appeal.
- The Court below ought to have seen that the petitioner has raised specific grounds in the Grounds of appeal stating inter-alia that the provisions of Regulation 1 of 1959 has no application since the land where the rice mill was constructed is not located in the schedule area.
- The Court below ought to have seen that Sri Badavat Venkatram, S/o Balya, herein purchased the land to an extent of Ac.3-18 gts covered by SY.No.11-A

[p.t.o]

::2::

situated at Rajupet Village, Narsampet Mandal, Warangal District under a registered Sale Deed. The petitioner being a Tribal transfer of land in his favour does not amounts to in contravention of provisions of Regulation 1 of 1959. As such the proceedings initiated by the respondents herein are liable to be set aside.

- Both the Courts erred in appreciating the material on record and also failed to appreciate the contentions/Grounds raised by the petitioner and erroneously passed the ejectment order.

4 The remarks of the Project Officer, ITDA, Eturunagaram and the Additional Agent to Government, Warangal District on the Revision Petition are as follows:

- In accordance with the Government orders the industries setup in scheduled area, the benefit will be extended only to the Scheduled Tribes. In accordance with the provision of LTR 1959 as amended in 1970 Section 3(1), the both the courts below or passed orders which is not bad in law and contrary to the material on record.
- The petitioner approached to the appellant authority i.e.M/s Harikrishna Industries Para Boiled Rice Mill, Rep. by Devunuri Anjaiah, S/o Hanumaiah. The appellate disposed the appeal after giving a reasonable opportunity, in accordance with the provision of LTR 1959 as amended in 1970 section 3(1), dismissed and the authority of the passing order and stay appeal does not arise.
- The Lower Appellate Court decided the case on it's demerits as long as their petitioner is contrary to the regulations, they do not have any valid right or title to continue in the possession of land.
- The subject matter of the case situated in scheduled areas as such except the tribals, the non-tribals have no right to be in a possession of the land as per section 3(1) (A) (APSALT) Regulation Act 1 (1959) as amended by act 1/1970.
- Section 2(g) of A.P Scheduled Area Land Transfer Regulation 1959 as amended in 1970 transfer means Mortgage with or without possession, lease, sale, gift exchange or any other dealing with the immovable property. Not being a testamentary disposition and includes a change on such property or a contract relating to such property in respect of such mortgage, lease, sale gift exchange or other dealing.
- The Non-Tribal people are getting the sanction of Rice Mill on Binamy names of tribes like changing the name of tribes every (5) years once on verification of the partnership deals it is clearly established that Sri.D.Anjaiah, and other non-tribal constructed the Rice Mill making a tribe as partner only to get subsidies incentives etc., from the above evidence it is evident that Sri.D.Anjaiah, has constructed Rice mill in the name of M/s Harikrishna Industries Para Boiled Rice Mill, during the year 1999 will be a contravention of section (3) (1) (b) and 4 (APLTRA 1959 as amended in the year 1970 which is prohibition the transfer of immovable property between tribal and non-tribal in Agency area which is liable formcctment.
- The Honorable Supreme Court in its Civil Appeal number 4601 and 4602 of 1997 with civil appeal number 4603 of 1997 decided on 11-7-1997 in "**Samatha V/s State of A.P and others**" clarified the word person denoted in Section 3(1) of regulations includes the state government. The State Government also stands to prohibited to transfer by way of lease or any other form known to law.
- Therefore the petitioner violated the Land Transfer Regulation rules in force.
- The Special Deputy Collector (TW), Eturunagaram, Warangal District after due enquiry decided the petitioners have violated the provision of section 3(1) (b) and (4) of Regulation 1 of 1959 as amended in 1970, the Lower Appellate authority also upheld the order of the Special Deputy Collector(TW), Eturunagaram.

[Contd...3]

::3::

5. Government after conducting hearings and after careful examination of the Revision Petition and as verified from the documents produced before the authority as well as before the Additional Agent to Government, observed that:

- Perused the entire case records, wherein orders passed by the Lower Courts, the appellate authority and also the grounds urged by the petitioners in the Revision Petition and written arguments and did not see any valid or substantiating grounds in the revision petition.

6. Government after careful examination of the matter here by rejects the Revision Petition filed by Sri Badavath Venkataram, S/o Balya R/o Chendrugonda (V), Nekkonda (M), Warangal District, now residing at Rajupet Village, Narsampet Mandal, Warangal District & other through his counsel before the Government against the orders of the appellate authority Additional Agent to Government, Eturunagaram, Warangal District in case no LTR /Appeal/7/05 dt 28.02.2006 in Sy.No.11/A in respect of land admeasuring Ac 3.18 gts situated at Rajupet Village, Narsampet Mandal, Warangal District and the orders of the Additional Agent to Government, Warangal District are upheld.

7. The Additional Agent to Government and Project Officer, ITDA, Warangal District shall take necessary further action accordingly. The original case records received in the reference 4th read above are returned herewith.

(BY ORDER AND IN THE NAME OF GOVERNOR OF TELANGANA)

BENHUR MAHESH DUTT EKKA,
SECRETARY TO GOVERNMENT

To

Sri Badavath Venkataram S/o Balya
R/o Chendrugonda (V) Nekkonda (M)
Warangal District, now residing at Rajupet Village,
Narsampet Mandal, Warangal District.

M/s Harikrishna Industries Para Boiled Rice Mill,
Rep. by Devunuri Anjaiah S/o Hanumaiah,
R/o Narsampet Village and Mandal,
Warangal District.

The Project Officer, ITDA and Additional Agent to Government,
Eturunagaram, Warangal District (w.e.)

Copy to :

The Collector, Erstwhile Warangal District now Jayashankar Bhupalpally District.

The Special Deputy Collector(TW) Eturunagaram, Warangal District for information
and necessary action.

The Tahsildar, Narsampet, Warangal District.

Mr.A.Prabhakar Rao, Advocate,

Seetha Towers, Street No.10, Himayathnagar, Hyderabad.

P.S to M(TW)/P.S. to Secretary(TW)

SF/SC

// FORWARDED:: BY ORDER //

SECTION OFFICER

